

## **REMARKS**

Claims 1-14 are pending in the application. The Examiner objected to Claim 14 because of an informality. The Examiner has rejected Claims 3-5, 7, 9, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by Nanda et al. (U.S. Patent 5,842,113) in view of Moon et al. (U.S. Patent 6,643,272). The Examiner has rejected Claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Nanda et al. and Moon et al. in view of Chen et al. (U.S. Patent 6,373,823). The Examiner has rejected Claims 6, 8, 10, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Nanda et al. in view of Chen et al.

Please amend Claim 14 to properly depend on Claim 13. Based on the foregoing, withdrawal of the objection of Claim 14 is respectfully requested.

Nanda et al. discloses a method and apparatus for controlling transmission power in a forward link of a CDMA telecommunication system by generating a power offset value corresponding to the frame transmission rate. Moon et al. discloses power level arbitration between a base station and a mobile station in a mobile communication system. Chen et al discloses a method and apparatus for controlling transmission power in a mobile communication system, wherein the transmission power control is performed by comparing the measured signal to noise ratio (SNR) with a threshold value during a closed loop power control.

The Examiner has not addressed the use of the change in the gating rate as it relates to the offset value. Each of independent Claims 1, 3, 5, 7, 9, 11 and 13 recite in one form or another that the offset value for controlling the transmission power differs according to the gating rate. This is a fundamental distinction from the offset value of Nanda et al. that is defined according to the transmission rate. As is clearly seen from the claims, since the outer-loop power control is possible even for a non-data transmission period while in DTX mode, an accurate threshold for outer-loop power control can be obtained when a data frame is

generated by basing the offset on the gating rate and its transitions. This in turn allows that the transmission power can be saved and frame errors can be decreased due to the accurate threshold, and that the time required to converge a pre-transition threshold to a post-transition threshold in an outer-loop power control operation is reduced through threshold compensation, thus reducing frame errors.

Additionally, the transmission power is minimized in the absence of a traffic signal to be transmitted in a gated transmission mode, and in the presence of a traffic signal to be transmitted, the reception performance of the traffic signal is ensured.

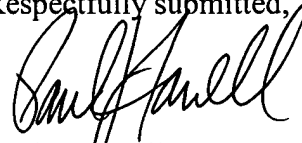
It is also respectfully submitted that the present application discloses a device and method for implementing a power control regardless of the presence or absence of a data to be transmitted. The present application discloses a device and method for measuring a signal-to-noise ratio (SNR) in power control group unit to determine if a frame error of a received signal is generated, by counting instances where the measured SNR is less than a specific threshold, and determining an existence of the frame error when the number of the counted instances are greater than the specific threshold. In this regard, the transmission power due to the frame error can be compensated for by obtaining an offset value determined according to the status of the gating rate representing the gating for the transmitting data within a frame in a specific period.

Based on at least the foregoing arguments withdrawal of the rejections of Claims 1, 3, 5, 7, 9, 11 and 13 is respectfully requested.

Independent Claims 1, 3, 5, 7, 9, 11 and 13 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 4, 6, 8, 10, 12 and 14, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 4, 6, 8, 10, 12 and 14 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-14 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516  
PJF/MJM/dr